

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

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|---------------------------------|---|-----------------------------------|
| Dustin Hammond, |) | |
| |) | |
| Plaintiff, |) | |
| |) | Civil Action No. 1:24-cv-6722-BHH |
| v. |) | |
| |) | |
| Matthew Charles Anderson, M.D., |) | <u>ORDER</u> |
| Drew Alan Ratner, M.D., and |) | |
| Michael James Coleelo, M.D., |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

This matter is before the Court upon Plaintiff Dustin Hammond's pro se ("Plaintiff") second amended complaint seeking relief pursuant to 42 U.S.C. § 1983. (ECF No. 30.) In accordance with 28 U.S.C. § 636(b)(1) and Local Rule 73.02(B)(2), D.S.C., the matter was referred to a United States Magistrate Judge for preliminary review.

On February 12, 2025, the Magistrate Judge issued a report and recommendation ("Report"), outlining the issues and recommending that the Court dismiss this matter without prejudice and without further leave to amend. (ECF No. 37.) Specifically, the Magistrate Judge found that Plaintiff's second amended complaint fails to allege facts to state a plausible claim against Defendants pursuant to § 1983 or for medical malpractice under state law. (*Id.*) Attached to the Magistrate Judge's Report was a notice advising Plaintiff of the right to file written objections to the Report within fourteen days of being served with a copy. To date, no objections have been filed.

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court

is charged with making a *de novo* determination only of those portions of the Report to which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the matter only for clear error. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Here, no objections to the Report have been filed, and the Court has reviewed the record, the applicable law, and the findings and recommendations of the Magistrate Judge for clear error. After review, the Court finds no clear error and agrees with the Magistrate Judge’s careful analysis. **Accordingly, the Court adopts and specifically incorporates the Magistrate Judge’s Report (ECF No. 37), and the Court dismisses this action without prejudice and without issuance and service of process. The Court also declines to exercise pendant jurisdiction over any potential state law claims and denies Plaintiff leave for further amendment.**

IT IS SO ORDERED.

/s/Bruce H. Hendricks
United States District Judge

March 5, 2025
Charleston, South Carolina